

Phantom Lakes Management District  
Annual Meeting  
Thursday, August 28, 2008  
Mukwonago Town Hall

**Approved Minutes**

Steve Todd, Chairperson, called the Annual Meeting of the Phantom Lakes Management District to order at 7:05pm. Other Board members in attendance were, Secretary Greg Blohm, Treasurer Steve Verduyn, Carol Fait, Town of Mukwonago Representative David Dubey, and Waukesha County Representative Karen McNelly. Board member Grace Graham was excused. There were 27 people in attendance, 20 riparian owners and 7 non-residents, including Thomas Day (Eagle Spring Lake Mgmt. District), Ben Heussner (DNR), Gina Krause (Secretary/Treasurer Assistant), Dennis Nork (Lake Patrol), Robert Pakulski (Harvesting Manager) and Jeffery Thornton (SEWRPC), and Board Members.

S. Todd opened the meeting asking all those in attendance to sign in if they have not already done so.

**Chairman's Report** – S. Todd reported on the Mukwonago dam instability and flooding issues from the excessive rainfalls we had this spring. The District did help with the closing of the public boat launch site and helping retrieving floating debris in the lake that may have made its way to the dam. K. McNelly gave a thank you to Tom Day (Eagle Spring Lake) for their help in being able to lessen the flow through their dam which provided much relief for the amount of water being processed through the Mukwonago dam. This water flow reduction did help preserve the soil around the dam. In reply to questions, S. Todd stated the dam did not sustain any major damage to the structure itself. There were some animal holes in the soil that softened the subsoil around the dam. The bog blocking the dam caused water to go up around both sides of the dam and not on just one side as designed. The current dam construction consists of large steel wings (12'-15') on the north and south sides of the dam, which would help if the soil was to ever erode away. The DNR's inspection report is now available and requests the Village to complete a dam failure analysis, have an emergency action plan, and recommends that the Village develop an emergency spillway.

The District is currently working with the Town of Mukwonago to develop and enact a slow-no-wake ordinance during high water conditions that would allow for mandatory slow-no-wake on the lake once water levels reach a certain height.

The Fox River Commission is looking for projects to fund (i.e. access improvements, shoreline stabilization) that would help to improve the water quality going into the Fox River. They are currently helping fund the shoreline stabilization project by the swimming hole in Mukwonago, with the Village picking up 10% of the project cost.

S. Todd gave a greatly appreciated thank you to Carol Fait for her 9 years serving on the Board; she will not be running for another term. A special thank you and plaque was given to Karen McNelly for her 23 years of dedicated service to the PLMD. She will no longer be the Waukesha County Representative for the PLMD.

**Approval – Minutes of August 23, 2007** – The minutes were published in the District's August 2008 newsletter; therefore the minutes were not read. Michael Graczyk made a **Motion** to accept the 2007 Annual Meeting minutes as written. Second by Katherine Todd, motion carried with no opposition.

**Lake Safety Report** - Officer Dennis Nork presented a report from May 2008 through August 24, 2008. A boating safety class will be offered September 19 & 20, 2008 at the Eagle Fire Department. Once again there were no accidents but there have been several concerns from lake residents about non skier boats going against skiing traffic on the lake during skiing hours. Currently, only boats pulling someone must go counter clockwise. Mr. Nork suggested once again that it would be safer if all boats were going in a counter clockwise direction during skiing hours. Residents replied that the boats are getting bigger and bigger and the number of boats coming on the lake should be limited. Different options were discussed and how it may change resident's personal boating habits. The PLMD has no control over the public launch site; ownership belongs to the Village. Michael Graczyk made a **Motion** for the PLMD Board to pursue an ordinance that would require all boats to go in a counter clockwise direction during skiing hours. Motion failed due to lack of a second. There was further discussion and

Michael Graczyk made a **Motion** for the PLMD to pursue an ordinance to be enacted by the Town of Mukwonago for all boats that are going faster than slow-no-wake on Upper Phantom Lake, must go in a counter clockwise direction during skiing hours. Second by S. Verduyn, motion carried with 19 in favor and 1 opposed. During May there were 3 citations and 26 verbal warnings given and not counting the approximately 40 ticket free boat inspections that were given on Andrew Street, with the majority found to have some sort of violation. In June there were two canoes capsized, and a fire in cattails on southeast side of lower lake. There were 7 citations and 20 verbal warnings given. On June 10 the lake was temporarily closed due to high water conditions. In July there were complaints from residents of a boat pulling a skier without an observer, no lights on a boat at night, someone hitting golf balls in the channel and there were 15 citations and 23 verbal warnings given during the month. In August the lake was unusually quiet with 6 citations and 11 verbal warnings. Boat survey on August 23<sup>rd</sup> showed the Lower Lake having 39 pontoon boats, 48 boats with motors and 35 non-motor boats and Upper Phantom showing 39 pontoons, 47 boats with motors, and 83 non-motor boats (not counting the YMCA Camp or the Phantom Bible Ranch Camp which have 40 and 16 respectively). Robert Pakulski recommended that the District consider having random address signs on the water for emergency referencing. Discussion resulted in agreement of 3" block letters for size and the District will find a company to manufacture the signs. A sign up sheet for volunteers who wanted their lots posted was made available.

**Fish Management Report/Fish Stocking** – Ben Heussner (DNR Fish Biologist) gave a presentation on fisheries facts and trivia, fisheries management overview, fisheries management tools, and future management goals for the Phantom Lakes which includes a comprehensive fish survey in 2009 after ice out. All fish captured will be released. Fisheries management reports are available from the DNR upon request.

**Lake Monitoring Report** – P. Kumlien gave a presentation on the spring flow sampling that has taken place from April 5, 2005 through August 11, 2008. Average spring flow rates during this sampling period are: Spring #1 – 0.82 gal/min, Spring #2 – 0.70 gal/min, Spring #3 – 2.38 gal/min, Spring #4 – 1.24 gal/min. With the continued collection, this data will be useful in any future challenges of the effects the municipal well(s) is having on the aquifer. In the future, a rainfall comparison would like to be added. Residents are encouraged to attend the Village's Public Works meetings and express their concerns before the pumping of the new well begins.

Richard Jenks had a comprehensive article in August's newsletter and spoke briefly about this year's water sampling findings. The Upper and Lower lakes showed no intense algae blooms which can be attributed to a lot of flushing this year. Oxygen levels below 10 feet do decrease but there have been no findings of thermal stratification this year and the lake normally does stratify during this time every year. A possible problem with the meter will be investigated. Personal observations of Zebra mussel populations seemed to have decreased from prior years.

**Harvesting Report** – Robert Pakulski reported on this year's harvesting operations. A picture of the purchased truck was presented and was working well until recently. The engine on the new truck has blown. The old truck will be used until repairs are made to the newer truck. Various bids are being sought and analyzed for the refurbishment of the harvester/conveyor. Grant funding has been obtained, see under Grants. Harvesting is expected to continue until approximately the end of September. As to a question from Richard Jenks, this year's weed growth seemed to be more abundant, however at this point there has not been a comparison done for this year's harvesting as compared to previous years. At the end of the harvesting season a comparison will be done and will be reviewed by the Board. K. McNelly asked the Board to consider other possible options (i.e. dumpster) when reviewing harvesting operations at the end of the harvesting season.

**Municipal Well Update** – The Village of Mukwonago is proceeding with the finalizing of the contract agreement with the Caine property. There has been no signs of development on the site as of yet. They were receptive to providing private well guarantees for those close to the site, but were not willing to do any retesting. As to a question from Richard Jenks, the PLMD can not take any action to enforce the ordinance that prohibits the net transfer of groundwater and surface water from Upper Phantom Lake hydrologic basin until the well is turned on.

S. Todd commented that the PLMD is still participating in a joint law action suit against the Village of East Troy and the DNR for not following the Public Trust Doctrine in approving a municipal well that could have detrimental affects to Lake Beulah as well as the Mukwonago River. Currently the Village and the DNR have made a motion to have the case dismissed and a counter motion has been made.

**Legislative Update** – Jeff Thornton (SEWRPC) stated that there have been no changes to Chapter 33, however currently in the process of final public comment, there is NR 198 Invasive Species grant funding program which is opening up funding to other agencies beyond the traditional scope, one being federal agencies. Also NR 40 which is a statewide invasive species policy. This legislation is very different, the state is trying to establish what should and should not be here and what the risks are to our ecosystems by bringing non-native species into the state. There is still time to comment on these and drafts are available on the DNR website. Recently a public hearing in Milwaukee addressed the issue of Mute Swans being allowed in certain areas where there are naturalized populations. He encouraged those interested, to attend the public hearings and influence legislation before it becomes law. S. Todd presented the issue of the possible SLOW-NO-WAKE 200 feet from all shorelines and piers bill and the possible effect it could have on the smaller lakes including the Phantoms. David Fait made a **Motion** that if the proposed legislation that would limit boats to be 200 feet from shorelines and piers was to be brought back to vote and passed; that the PLMD to exercise the opt out option given in the proposed legislation. Second by Mark Faust, motion carried.

**Grants** – S. Todd commented how the PLMD was fortunate to get grant funding up to \$45,000.00 (50%) for the refurbishment of the harvester/conveyor seeing that in 2007 there was no funding given for any refurbishing or new harvesting equipment.

Thomas Day (Eagle Spring Lake Mgmt. District) presented the findings from a joint grant funded project for a Watershed Nutrient Study. Mr. Day presented the Board with copies of the Mukwonago River – Watershed Nutrient Study and explained the findings that were obtained through the sampling he had done with assistance provided by the Eagleville parents, teachers, and fifth grade students. There were 11 sample sites, with one site being a control site. Seventy percent of the water flowing through the Mukwonago River is groundwater. The water coming into the Phantom Lakes has very low nutrient conditions; there are no areas of concern. The data did not suggest a nutrient loading problem downstream of the Rainbow Springs Golf Course, suggesting good management practices at that facility. The DNR purchasing the Rainbow Springs land will help insure nutrient free water entering the Phantom Lakes. Considerable baseline data has been established to enable future comparisons. As to a question from a resident, T. Day explained that we are currently trying to get the entire Mukwonago River System considered an exceptional/outstanding water resource.

**Adoption of Proposed Budget for 2009** – S. Verduyn read the audit report from Act Now Accounting and as stated in the report, the financial statements present fairly, in all materials respects, the financial position of Phantom Lakes Management District as of December 31, 2007, and the results of its operation for the period then ended in conformity with generally accepted accounting principles.

S. Verduyn gave the overhead presentation on the proposed 2009 budget, and all questions asked were answered. A private donation for fish stocking of \$250.00 has been received with the condition that it be spent only on fish stocking. Therefore S. Verduyn recommended increasing the 2009 fish stocking income and expense. Richard Jenks made a **Motion** to adopt the budget as presented, second by Dorian Templin. Discussion followed with Dorian Templin making a **Motion** to amend the budget to allow \$500.00 for a dumpster for carp eradication to be taken out of the General Operating Fund in 2009 and to hold the \$250.00 fish stocking donation in the General Operating Fund until spent in 2009 and increase the Fish Stocking Expense to \$2,250.00 in 2009. Second by Robert Muth, motion carried. Richard Jenks made a **Motion** to allow the Board to transfer \$51,250.00 out of the Equipment Fund into the General Operating Fund for the purpose of refurbishment on the harvester/conveyor. Second by Dorian Templin, motion carried. Richard Jenks made a **Motion** to accept the 2009 proposed budget with all changes, second by Dorian Templin, motion carried with no opposition.

Budget summary as follows:

Income – The 2009 levy \$67,500 will remain the same as last year's levy of 2008. Budget amended to change Beginning Balance 2009 to \$33,770.00 (with \$250.00 added fish stocking donation in 2008).

Expenses – The Mukwonago River – Lower Basin project is expected to be completed in 2009 in which a total expense of \$13,500 will be due. The General Operating Fund currently is holding \$7,500.00 (prepaid grant funding) in reserve. Final grant receipt of \$2,500.00 is not expected until 2010. The Lower Basin project in combination with the dumpster and fish stocking increase will show a 2009 Net Income deficit of \$10,602.00 and an Ending Balance of \$15,068.00. Budget amended to allowing changes to Fish Stocking Expense - \$2,250.00, and Carp Eradication Expense - \$500.00 in the 2009 Budget.

**Adoption of Levy for 2009** – S. Verduyn read the Resolution 2008-01 that states “now therefore, be it resolved as follows:

That a tax of \$67,500 shall be levied upon all properties in the Phantom Lakes Management District for use by the District for the calendar year 2009.

That the District shall certify this amount; forward the same to the Town of Mukwonago and Village of Mukwonago clerk for placing the same as a levy on District properties.”

Richard Jenks made a **Motion** to adopt the levy of \$67,500.00, second by Dorian Templin, motion carried with no opposition.

**Election of Two Board Members** - S. Todd asked for nominations from the floor, Sharon Muth nominated David Fait to serve on the PLMD Board, second by G. Blohm. With no further nominations Robert Muth volunteered. D. Dubey **Moved** to close nominations, second by S. Todd, motion carried. S. Verduyn **Moved** to elect David Fait and Robert Muth to serve on the PLMD Board, second by G. Blohm, motion carried unanimously.

**Date for 2009 Annual Meeting** – S. Todd made a **Motion** to the next Annual Meeting of the PLMD to take place on August 27, 2008. Second by G. Blohm, motion carried.

**Adjourn** – At 9:55pm D. Dubey made a **Motion** to adjourn, second by S. Todd, motion carried.

Respectfully submitted,

Gina Krause

Treasurer/Secretary Assistant